



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

DIGEST OF OTHER RECENT VIRGINIA DECISIONS.**Supreme Court of Appeals.**

Note.—In this department we give the syllabus of every case decided by the Virginia Supreme Court of Appeals, except of such cases as are reported in full.

WILBURN et al. *v.* RAINES et al.

Sept. 15, 1910.

[68 S. E. 993.]

1. **Highways (§ 72*)—Proceedings—Res Judicata.**—Where the good faith of applicants for changes of a road was not questioned, and it was not alleged that the requested changes were the same as those involved in previous applications, the decision on the previous applications was not *res judicata*, notwithstanding prior decisions on similar applications; the doctrine of *res judicata* not being strictly applied to such proceedings.

[Ed. Note.—For other cases, see Highways, Dec. Dig. § 72.* For other cases, see 6 Va.-W. Va. Enc. Dig. 403.]

2. **Constitutional Law (§ 280*)—Due Process of Law.**—Acts 1908, c. 346, providing for the establishment, alteration, and discontinuance of roads in a county, and for the appointment in each magisterial district thereof of a board of road commissioners, with power to establish and alter roads on notice to the landowners, who may attend and offer evidence, and who may appeal to a commission from another district, and to the circuit court and the Supreme Court of Appeals on the question of just compensation, etc., is not invalid as depriving the owners of their property without due process of law.

[Ed. Note.—For other cases, see Constitutional Law, Dec. Dig. § 280.* 12 Va.-W. Va. Enc. Dig. 862, et seq.]

3. **Eminent Domain (§ 1*)—Nature of Power—Judicial Questions.**—The condemnation of private property for road purposes involves the exercise of the power of eminent domain as an attribute of sovereignty, which may be exerted by the Legislature directly or through such agencies as it pleases, and the matter of ascertaining compensation, which is judicial, so that the owner may have that question investigated and determined by an impartial tribunal, and under Const. 1902, § 88 (Code 1904, p. ccxxx), may appeal to the Supreme Court of Appeals, but the Legislature may limit the right of appeal to the judicial question only.

[Ed. Note.—For other cases, see Eminent Domain, Cent. Dig. §§ 1, 2; Dec. Dig. § 1.* 5 Va.-W. Va. Enc. Dig. 70; 98, et seq.]

4. **Statutes (§ 123*)—Title—Sufficiency.**—The title of Acts 1908, c. 346, relating to the establishment, alteration, discontinuance, and

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.

working of roads of a designated county, and to the punishment of obstructions of the road commissioners in the discharge of their duties, and the punishment of road officials for neglect of their duties, expresses the general purpose of the act, and the subordinate features of it are germane to the general object, so that the act does not contravene Const. 1902, § 52 (Code 1904, p. ccxxi), in that it embraces more than one object.

[Ed. Note.—For other cases, see Statutes, Dec. Dig. § 123.* 12 Va.-W. Va. Enc. Dig. 751, et seq.]

5. Statutes (§ 109*)—Title—Sufficiency.—A title fairly expressing the general subject of a statute covers provisions for all proper means and instrumentalities, which will, or may, facilitate the accomplishment or enforcement of the purpose expressed.

[Ed. Note.—For other cases, see Statutes, Cent Dig. §§ 136-139; Dec. Dig. § 109.* 12 Va.-W. Va. Enc. Dig. 751, et seq.]

6. Highways (§ 157*)—Obstructions—Statutes.—The Legislature may invest road officers with power to remove obstructions from public highways, and Acts 1908, c. 346, relating to roads in a designated county, is not unconstitutional because it gives the road officers provided for authority to remove obstructions from such roads.

[Ed. Note.—For other cases, see Highways, Dec. Dig. § 157.* 12 Va.-W. Va. Enc. Dig. 930.]

7. Highways (§ 19*)—Establishment—Statutes.—Acts 1908, c. 346, providing for the establishment of roads in a designated county, must be construed in connection with the general road law, and the provisions of the general law prevail as to the establishment of a road through an orchard, cemetery, or home, where the special act is silent on that subject.

[Ed. Note.—For other cases, see Highways, Dec. Dig. § 19.* 12 Va.-W. Va. Enc. Dig. 862, et seq.]

8. Statutes (§ 97*)—Highways—Special Laws—Validity.—Const. 1902, § 64 (Code 1904, p. ccxxiv), prohibiting local laws in enumerated cases, does not forbid the passage of special road laws, where, in the judgment of the Legislature, the matter cannot be provided for by general law.

[Ed. Note.—For other cases, see Statutes, Dec. Dig. § 97.* 3 Va.-W. Va. Enc. Dig. 169.]

Appeal from Circuit Court, Giles County.

Suit by one Wilburn and others against one Raines and others. From a decree of dismissal, plaintiffs appeal. Affirmed.

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.